

# ARREST LAW BULLETIN™



INDEX 2006 VOL. 30 JANUARY-DECEMBER

	Month	Page		Month	Page
<b>Affidavits</b>			<b>Detentions</b>		
Informant recants statements that were basis of warrant, Arbolaez (11th Cir.).....	Aug.	4	Apartment searched after resident reports abnormal smell, Stoneking (7th Cir.).....	July	4
<b>Anonymous Tips</b>			<b>Duress</b>		
Felon with gunpowder on hands arrested after shots fired at officers, Johnson (5th Cir.).....	June	1	Drug dealer claims written consent to search was made under duress, Santiago (7th Cir.).....	Jan.	1
<b>Authority</b>			<b>Entrapment</b>		
Security officers '86' elderly woman from casino for taking a nickel token from an abandoned slot, Romanski (6th Cir.).....	Jan.	5	Convict pleads entrapment by estoppel, Baker (7th Cir.).....	April	5
<b>Calls from Prison</b>			Grocer allegedly exchanged food stamps for cash with confidential informant, Haddad (7th Cir.).....	Nov.	1
Prisoner's phone calls allegedly record conspiracy to murder informant, Faulkner (10th Cir.).....	May	3	<b>Excessive Force</b>		
<b>Coercion</b>			Officer slaps handcuffed suspect for having a 'smart mouth,' Pigram (6th Cir.).....	Dec.	2
Dealer says that officer threatened to plant crack on him if he did not reveal location of gun, Harris (7th Cir.).....	Feb.	7	Officers send police dog into crashed car twice after car chase, Mongeau (11th Cir.).....	Nov.	2
<b>Confessions</b>			<b>Expectation of Privacy</b>		
Conspirator confesses attempted bank robbery to other inmate after traffic stop led to arrest, Johnson (11th Cir.).....	Oct.	6	Assassination solicitor argues that recorded conversations with his old friend should have been suppressed, Hankins (6th Cir.).....	Dec.	4
Inmate asks to be interviewed, Martin (5th Cir.).....	Feb.	1	<b>Exigency</b>		
Man kills 3-year-old and two adults, gets death sentence, Coleman (5th Cir.).....	Sept.	6	Immediately after executing an arrest warrant, police dash into arrestee's house, Hill (8th Cir.).....	Feb.	6
Victim confesses to crime while in hospital bed, Gordon (2nd Cir.).....	Feb.	2	<b>False Name</b>		
<b>Confessions for Sentencing</b>			Probable cause to arrest based on prior information, Zavala (8th Cir.).....	Jan.	2
Defendant's confession, previously excluded from consideration in determining conviction, introduced during sentencing, Nichols (4th Cir.).....	May	4	<b>False Statements</b>		
<b>Consensual Encounter</b>			Affidavits in support of arrest warrant were legally sufficient to establish probable cause, Nolan (6th Cir.).....	Mar.	4
After tip, border patrol stops man to question his citizenship, Olivares-Rangel (10th Cir.).....	Oct.	3	<b>Fighting Words</b>		
Initiation of conversation is permissible only when suspect shows willingness to speak about his case and is not influenced by police, Van Hook (6th Cir.).....	June	4	Man comments on Cleveland Indians outfielder's playing skill and is forcefully ejected from the game, Swicwicki (6th Cir.).....	Nov.	6
<b>Corroborated Evidence</b>			<b>Free Speech</b>		
Allegations in indictment sufficient to establish charged offense, Todd (10th Cir.).....	July	3	Native-American protesters arrested and allegedly beaten after some walk onto highway, Papineau (2nd Cir.).....	Dec.	1
<b>Custodial Arrest</b>			<b>Good Faith Exception</b>		
Detainee is handcuffed, put in back of squad car, given Miranda warning, interrogated, and later released, Williams (6th Cir.).....	May	1	Officer accidentally represents in affidavit that he heard neighbor's information directly from neighbor, Neal (5th Cir.).....	Aug.	6
<b>Custody</b>			<b>In Brief</b>		
Custody occurs when reasonable person would not feel free to end police-conducted interview, Ollie (8th Cir.).....	June	3	911, Kirby (CT).....	Dec.	6
Man confesses to molesting his niece, Norris (9th Cir.).....	Jan.	3	A mother's coercion, Roberson, (KY).....	May	8
Suspect answers questions after being told that he is free to go, Cox (6th Cir.).....	Feb.	5	Admissions during search, Quedens (GA).....	June	8
Totality of circumstances determines whether an encounter with police is consensual, Blackwell (10th Cir.).....	Aug.	1	Confession, Marchant (AR).....	Jan.	7
Victim's paramour leads officers to her body, Casnave (6th Cir.).....	April	3	Criminal trespass, Gregory (MI).....	Jan.	8
			Custody, Cleaver (WI).....	Jan.	8
			Double jeopardy, Harmer (4th Cir.).....	Aug.	8
			Improper arrest, Reyna (ID).....	Feb.	8
			Inventory search, Thompson (3rd Cir.).....	Aug.	8
			Invocation of counsel, Young (IL).....	July	7
			Jurisdiction, Beaulieu (MN).....	June	8
			Jurisdiction, Galan (IL).....	Dec.	7
			Juveniles, R.J., Jr. (OH).....	Dec.	7
			Knock and talk, Alvarez (HI).....	Mar.	7
			Minors, J.D. (FL).....	April	7
			Patdown, Ellis (10th Cir.).....	Aug.	8
			Patdown, Jones (OH).....	Feb.	8

**Publisher:** Dennis Hofmaier **Editor in Chief:** Sean FWJ Fowler, Esq. **Editors:** Bethany M. Allen,  
Annie Archambault, Melanie Obeid, Esq., Carol Johnson Perkins, Esq., Elizabeth Purcell, J.D., Ryan Wood

Published by

**QUINLAN**  
PUBLISHING

ARREST LAW BULLETIN

ISSN 8755-8300 (print) ISSN 1544-5038 (online)

23 Drydock Ave., Boston, MA 02210-2387 (800) 229-2084

email: info@quinlan.com http://www.quinlan.com

Copyright © 2006

	Month Page		Month Page
Patdown, Smith (FL).....	June 7	<b>Photo Arrays</b>	
Permit violations, Erickson(NY).....	Nov. 7	Man with distinctive facial discoloration picked out	
Photo lineup, Waters (GA).....	Dec. 7	of photo array, Holliday (1st Cir.).....	Oct. 5
Physical restraint, Herring (VA).....	April 8	<b>Prisoner Mistreatment</b>	
Pretextual arrest, Roche (LA).....	July 7	Detainee contracts West Nile Virus and is	
Pretextual detention, Perez(HI).....	Nov. 7	misdiagnosed, Shade (6th Cir.).....	Dec. 5
Probable cause, Jefferson (DC).....	Dec. 6	<b>Probable Cause</b>	
Promises, O'Brian (MA).....	Mar. 8	Officer seizes because of arguable probable cause,	
Public danger, Garrison (TX).....	April 8	although the facts later established that probable	
Public urination, McDonald, (CA).....	May 8	cause never existed, Noell (11th Cir.).....	Nov. 3
Reasonable assumption, Hayes (PA).....	July 8	<b>Public Safety</b>	
Recorded statements, Lewis (ID).....	April 7	Allegedly on his way to the police station to take	
Right to counsel, Pardon (FL).....	July 6	part in the guns-for-money program, man is stopped	
Scent evidence, Montgomery (AL).....	May 7	by police, Gregg (2nd Cir.).....	Nov. 4
Search incident to arrest, Dunlap, (NJ).....	Mar. 8	<b>Right to Counsel</b>	
Second language, Linnik, (OH).....	May 8	Bank robber found with gun and cash in pockets,	
Self-incriminating witness, Wead (IL).....	Mar. 8	Langford (8th Cir.).....	Jan. 4
Shoplifting, Leos (TX).....	July 8	Jailed man confesses to unrelated armed robbery,	
Showup, August (NY).....	Dec. 7	Santiago (3rd Cir.).....	July 2
Spontaneous remarks, Lawrence (NY).....	April 8	Offense-specific nature of Sixth Amendment right	
Spontaneous statements, Dennis (OH).....	July 7	to counsel proves pivotal, Henderson (5th Cir.).....	Oct. 2
Suspect identification, Hendrix (AR).....	June 7	Right to presence of counsel 'prior to' and not	
Third-party consent, Morse (WA).....	Feb. 8	'during' questioning within Miranda warning language	
Tiered encounters, Dukes (GA).....	July 6	leads to Fifth Amendment issues, Bridgers (5th Cir.).....	Feb. 4
Traffic violation arrests, Jackson (MO).....	June 8	<b>Sarcastic Statements</b>	
Two-step interrogation, Humphrey (CO).....	June 7	Statements made by an unwarned suspect in custody	
Use of force, Abrams (MD).....	April 7	do not constitute interrogation, Foster (4th Cir.).....	Mar. 3
Voluntariness, Karake (DC).....	Oct. 4	<b>Search Incident to Arrest</b>	
Voluntariness, Tidwell (TN).....	July 8	Accidental discharge of a firearm leads to discovery	
Warrantless arrest, Rock (FL).....	Jan. 8	of homeland security threat, Breit (7th Cir.).....	Feb. 3
Witness statements, Davison (GA).....	Feb. 7	<b>Showups</b>	
<b>Interrogation</b>		Investigating officers take witness to the scene of a	
Police questioning at home of suspect sparks unlawful		burglary arrest two blocks away, Harden (7th Cir.).....	April 6
interrogation claim, Thomas (11th Cir.).....	Oct. 1	Man carjacks Jeep in K-Mart lot, then crashes it,	
<b>Interrogation Techniques</b>		Brownlee (3rd Cir.).....	Sept. 7
Officers describe their evidence for two and a half		<b>Sovereign Authority</b>	
hours before suspect says, 'Okay, you got me',		State dismisses charges, then federal agents take alleged	
Gonzalez-Lauzan (11th Cir.).....	April 1	drug trafficker into custody, Alvarado (4th Cir.).....	May 2
<b>Invocation of Right to Remain Silent</b>		<b>Suggestive Remarks</b>	
'I'm no snitch' argued to be invocation of the right		Photo of a raid and a remark that evidence could be	
to remain silent, Rio (11th Cir.).....	May 6	retrieved the 'hard way,' leads to suspect's production	
<b>Juvenile Interrogation</b>		of evidence, Willaman (3rd Cir.).....	April 4
Fourteen-year-old does not feel free to end a police		<b>Supreme Court Spotlight</b>	
conducted interview, N.J.Y. (10th Cir.).....	July 1	Exclusionary rule does not apply when police do	
<b>Less-Lethal Munitions Use</b>		not advise foreign citizens of right to consulate,	
Arrestee argues that lack of a less-lethal-munitions policy		Sanchez-Llamas (OR).....	Sept. 1
led to his unlawfully inflicted injury, Riley (5th Cir.).....	Dec. 3	<b>Translation</b>	
<b>Letter from the Editor</b>		Vietnamese man contends that his understanding of	
Survey question responses.....	Feb. 3	English is too poor to have validly waived Miranda	
<b>Lineups</b>		rights, Hoang (4th Cir.).....	Jan. 4
Defendant claims that newspaper publication of his		<b>Transport</b>	
identity as suspect prejudiced the lineup identification,		Arrested man expresses hopes to transporting officer	
Weaver (9th Cir.).....	Sept. 4	and seeks suppression, Tail (8th Cir.).....	Oct. 6
<b>Miranda</b>		<b>Trespassing</b>	
Gang member argues that when the police booking		Convicted child molester discovered in city parks and	
him asked for his gang moniker, he was being		banned from ever coming back, Brown (7th Cir.).....	Nov. 5
unlawfully interrogated, Washington (9th Cir.).....	Nov. 5	<b>Use of Force</b>	
Man confesses to hijacking helicopter to rescue		Deportation officers break neck of suspect during raid,	
inmate brother, Rojas-Tapia (1st Cir.).....	June 2	Gonzales (5th Cir.).....	Mar. 5
<b>Noncustodial Interrogations</b>		<b>Vendors</b>	
Detective finds pipe bomb on highway,		Scalper is arrested after he tries to sell basket-ball	
Uzenski (4th Cir.).....	Mar. 1	tickets to an undercover officer, Wilson (6th Cir.).....	Dec. 5
<b>Nonverbal Statements</b>		<b>Voluntary Confession</b>	
Suspect drops head after being told his suitcase		Shoes confiscated, but police say suspect is free to	
tested positive for heroin, Suarez (11th Cir.).....	Mar. 4	go, Brown (11th Cir.).....	May 5
<b>Patdown</b>		<b>Warrantless Arrest</b>	
Failure of suspect to remove hand from his pocket		Quizno's patron arrested for participating in stolen	
after police ordered him to do so justifies patdown,		treasury check ring, Collins (9th Cir.).....	Jan. 6
Gholson (3rd Cir.).....	Aug. 2	<b>Warrants</b>	
<b>Perception</b>		DOC director issues arrest warrant, Lucas (8th Cir.).....	Aug. 3
Convict attests to nearly the same events as police, but		<b>Written Confession</b>	
perception of events is different, Chealy (11th Cir.).....	Oct. 7	Defendant must show written confession was product	
		of unlawful police action, Carty (9th Cir.).....	Sept. 5

